

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Janessa Novak, individually and as
Special Administrator for the Estate of
Lance Novak, deceased, and on behalf of
M.N. and H.N., minor children of the
deceased,

Case No. 21-CV-81-jdp

Plaintiff,

v.

Michael McIlvain, in his individual capacity,
Heather White, in her individual capacity,
Joshua DeLong, in his individual capacity,
Todd Leonard, M.D., in his individual capacity,
Jane Does 1-3, in their individual capacities,
Douglas County, and MEnD Correctional Care,
PLLC,

Defendants,

Stipulation to Amend the Preliminary Pretrial Conference Order

Whereas, the parties have worked diligently and cooperatively to meet the deadlines set forth in the preliminary pretrial conference order.

Whereas, counsel for the parties have been traveling to Duluth, Minnesota from Minneapolis, Minnesota and Waukesha and Eau Claire, Wisconsin to take depositions in this case.

Whereas, in October, the parties had to cancel and postpone the start of depositions because an attorney's family contracted COVID-19.

Whereas, the parties completed a week of depositions in late-November and started another week of depositions in early-December.

Whereas, unfortunately, the parties had to end the week of depositions in December two days early because another attorney's family contracted COVID-19.

Whereas, the parties are working on rescheduling the canceled depositions and approximately twenty other depositions that remain to be taken prior to expert disclosures.

Whereas, the parties agree that proceeding with the current scheduling order is not feasible and that good cause exists to amend the scheduling order in light of the number of depositions that remain to be taken prior to expert disclosures and the unfortunate COVID-19 exposures that have arose in this case.

Whereas, the parties agree that a three-month extension of the dispositive motion deadline and trial-related deadlines will be necessary and sufficient in this case.

Whereas, the parties will continue to agree between themselves to modify the expert disclosure deadlines in accordance with the Preliminary Pretrial Conference Order.

NOW THEREFORE, the parties hereby stipulate and agree to respectfully request the Court amend the Preliminary Pretrial Conference Order in the case as follows:

Deadline for Filing Dispositive Motions: July 15, 2022

Discovery Cutoff: July 15, 2022 (unchanged)

Settlement Letters: October 28, 2022

Rules 26(a)(3) Disclosures and all motions in limine: November 4, 2022

Responses to motions in limine: November 18, 2022

Final Pretrial Conference: November 30, 2022

Trial: December 12, 2022

Stipulated to:

NEWMARK STORMS DWORAK, LLC

Dated: December 17, 2021

By /s/ Paul C. Dworak

Jeffrey S. Storms, #387240

Paul C. Dworak, #391070

150 South Fifth Street, Suite 1850

Minneapolis, MN 55402

(612) 455-7050

jeff@newmarkstorms.com

paul@newmarkstorms.com

SIEBENCAREY, P.A.

Dated: December 17, 2021

By /s/ Jeffrey M. Montpetit

Jeffrey M. Montpetit, #291249

901 Marquette Avenue #500

Minneapolis, MN 55402

(612) 333-4500

jeffrey.monpetit@knowyourrights.com

Attorneys for Plaintiff

Dated: December 17, 2021

CRIVELLO CARLSON, S.C.

By /s/ Timothy M. Johnson

Samuel C. Hall, Jr. #1045476

Timothy M. Johnson #1052888
710 North Plankinton Ave.
Suite 500
Milwaukee, WI 53203
(414) 271-7722
shall@crivellocarlson.com
tjohnson@crivellocarlson.com

Dated: December 20, 2021

OTJEN LAW FIRM, S.C.

By /s/ Jason J. Franckowiak
Jason J. Franckowiak, #1030873
20935 Swenson Drive, Suite 310
Waukesha, WI 53186
262-777-2222
jfranckowiak@otjen.com